

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE GUISEPPE VIOLA,  
Debtor.

Case No: C 11-0817 SBA  
[Bankruptcy Case No: 10-30904 DM]

## **ORDER DENYING DEBTOR'S MOTION TO DISMISS**

Dkt. 16

On February 22, 2011, debtor Guiseppe Viola (“Viola”) filed a pro se motion to withdraw reference in the above-captioned bankruptcy proceeding. Pursuant to Bankruptcy Local Rule 5011-2(a), his motion to withdraw reference has been transmitted to this Court. On March 10, 2011, the Court issued an order setting forth a briefing schedule on the motion to withdraw reference and indicating that the motion will be taken under submission upon close of briefing. Dkt. 9.

On April 1, 2011, Viola filed a Motion to Dismiss the Petition for Involuntary Bankruptcy (“Motion to Dismiss”) and noticed the motion for hearing on April 19, 2011. However, the Court has not yet adjudicated Viola’s motion to withdraw reference, making his Motion to Dismiss premature. Accordingly,

IT IS HEREBY ORDERED THAT Viola's Motion to Dismiss is DENIED without prejudice to re-filing, if appropriate, after disposition of Viola's motion to withdraw reference; the April 19, 2011 hearing on the Motion to Dismiss is VACATED. This Order terminates Docket 16.

IT IS SO ORDERED.

Dated: April 7, 2011

Saundra B. Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE  
4 NORTHERN DISTRICT OF CALIFORNIA

5 et al,

6 Plaintiff,

7 v.

8 et al,

9 Defendant.  
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11

12 Case Number: CV11-00817 SBA  
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14 **CERTIFICATE OF SERVICE**

15 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
16 Court, Northern District of California.

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18 That on April 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
19 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
20 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
21 located in the Clerk's office.

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25 Office of the U.S. Trustee / SF  
Office of the U.S. Trustee  
235 Pine St.  
Suite 700  
San Francisco, CA 94104

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27 United States Bankruptcy Court Northern District of California  
USBC-San Francisco  
for the Northern Dist. of CA  
235 Pine St  
P.O. Box 7341  
San Francisco, CA 94104

28 Dennis Montali  
US Bankruptcy Court  
Northern District of California  
P.O. Box 7341  
235 Pine Street  
San Francisco, CA 94120-7341

Giuseppe Viola P-657963

1 Maricopa County Jail  
2 The Fourth Avenue Jail  
201 S. 4th Avenue  
Phoenix, AZ 85003

3 Dated: April 7, 2011

4 Richard W. Wiking, Clerk  
5 By: LISA R CLARK, Deputy Clerk

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